IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3817 OF 2007
IN
L.E.& C.SUIT NO.4/4/1996

1. Smt. Shamsher Kaur, aged 43 yrs. widow of Shri Gurudev Singh

2. Shri Sukhvinder Singh, aged 27 Years, S/o. Gurudev Singh

3. Kum. Balbinder Kaur, aged 20 years, D/o. Gurudev Singh.

All Indian inhabitant, residing at Flat No.A-1,Shakti Apt., Co-op.Hsg. Society Ltd., Chakala Rd., Andheri (E), Mumbai - 400 099

.. Petitioners.

V/s.

1. Dr. Dharampal Murlidhar Dhawan, Aged 57 yrs.,Occ.Profession.

2. Smt. Madhu Dharampal Dhawan, Aged 51 yrs. Occ.Housewife.
Indian Inhabitants of Mumbai, residing at Gujarati Society, H-99 Nehru Road, Vile-Parle (E),Mumbai-57.

.. Respondents.

Mr. S.M.Shetty for the petitioners.

Mr. A.S.Khandeparkar with Datta H. Pawar for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : 29th SEPTEMBER, 2007.

ORAL JUDGMENT . :-

. By this petition, the petitioners have

challenged the order of the trial court, deleting the issue pertaining to the jurisdiction of the court. The respondents have sued the petitioners as licensee for eviction. On an application made under section 9A of the Code of Civil Procedure, the trial court held that it has jurisdiction to decide the suit. That order has admittedly, attained finality and has not been challenged by the petitioners. Thereafter, the trial court by the impugned order deleted the issue pertaining to the jurisdiction and has rejected the petitioners argument on the ground that the issue of jurisdiction has already attained finality and the court has held that it has jurisdiction. Therefore, there is no point in retaining the issue pertaining to the jurisdiction. The impugned order is in accordance with law and does not suffer from any jurisdictional error of law, apparent from its face. It does not call for interference and the writ petition is therefore, dismissed.

(S.A.BOBDE,J.)

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